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REMARKS/ARGUMENTS

This amendment is in response to the Office Action mailed on June 4, 2003, wherein Claims 1-11 were rejected. Claim 12 has been added and Claims 1-12 remain pending.

Claim Rejections under 35 U.S.C. § 103

On page 2 of the Office Action, Claims 1-4, 8 and 10 were rejected under 35 U.S.C. §103 as being unpatentable over Shirai et al. in view of Clar et al.

Shirai et al. discloses an electrically operated brake system, as disclosed in column 1, lines 43-46. The brake system of Shirai et al. utilizes electric motors as the drive source to apply the braking force, as disclosed in column 1, lines 53-56, and seen in Figure 1. Shirai et al. does not teach or suggest a hydraulic brake system. Furthermore, Shirai et al. expressly teaches away from a hydraulic brake system, as disclosed in column 10, lines 4-16 ("does not use any working fluid for brake applications").

Clar et al teaches a **hydraulic** braking, as disclosed in column 3, lines 52-60 ("a hydraulic unit 2 connected to the brake circuits").

The combination suggested by the Examiner is inoperable. The hydraulic system of Clar et al. cannot be operably or physically combined with the electrical motor actuation of Shirai et al. Shirai et al controls electrical current to actuate a motor/brake pads and Clar et al. controls hydraulic fluid flow to actuate brake pads. It is not possible to combine Clar et al. and Shirai et al. to create a functional braking system for a vehicle.

Shirai et al. specifically teaches away from using hydraulic fluid in a brake application, as it repeatedly states that no working fluid is used. No clearer words for teaching away could be written when referenced to the hydraulic system of Clar et al. The suggested combination of the Examiner is improper, references cannot be combined where the reference teaches away from their combination. See MPEP Section 2145.

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Conclusion

The entire Office Action dated June 4, 2003 has been carefully reviewed, and this response is submitted as being fully responsive thereto. In view of the preceding remarks, Applicants respectfully submit that Claims 1-12 are in condition for allowance and respectfully request such action at the Examiner's earliest convenience. If the Examiner believes that personal contact would be advantageous to the disposition of this case, he is requested to call the undersigned at his earliest convenience.

If for some reason a fee needs to be paid, please charge Deposit Account No. 07-0960 for the fees which may be due.

Respectfully submitted,



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**OFFICIAL**

**FAX RECEIVED**

**AUG 27 2003**

**GROUP 3600**